

**MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE CITY OF WORCESTER**

**SEPTEMBER 19, 2007
WORCESTER PUBLIC LIBRARY, 2 SALEM SQUARE, SAXE ROOM**

Planning Board Members Present: John Shea, Chair
Scott Cashman, Vice-Chair
Anne O'Connor, Clerk
Margaret Guzman
Nicole Xifaras Parella

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Judy Stolberg, Division of Planning & Regulatory Services
Michael Traynor, Law Department
K. Russell Adams, Department of Public Works
Jody Kennedy-Valade, Department of Code Enforcement

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Shea called the meeting to order at 5:30 PM.

APPROVAL OF MINUTES

Upon a motion by Scott Cashman and seconded by Margaret Guzman, the Board voted 4-0 (John Shea was not present at the August 22, 2007 meeting) to approve the minutes of the August 22, 2007 meeting as amended. Upon a motion by Margaret Guzman and seconded by Scott Cashman, the Board voted 4-0 (Anne O'Connor was not present at the September 5, 2007 meeting) to approve the minutes of the September 5, 2007 meeting.

REQUESTS FOR WITHDRAWALS OR CONTINUANCES

- 1. 46 Harlem Street (PB-07-107) – Definitive Site Plan:** Oak Hill Community Development Corporation, applicant and owner, requested a continuation of the Definitive Site Plan until October 3, 2007. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 continue the site plan approval to October 3, 2007.
- 2. 64-79 Beacon Street (PB-07-113) – Extension of Time – Definitive Site Plan:** An extension of time for a previously approved Special Permit was taken contemporaneously. Robert Longden, representative for Vaios Theodorakos, Trustee, stated that the applicant was seeking a one (1) year Extension of Time to the previously approved Definitive Site Plan, to convert an abandoned manufacturing building into a

181-dwelling unit, multi-family structure. He said the applicant is seeking additional time to commence work on the project. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve an Extension of Time for the previously approved Definitive Site Plan to October 14, 2008.

3. **64-79 Beacon Street (PB-07-114) – Extension of Time – Special Permit:** Robert Longden, representative for Vaios Theodorakos, Trustee, stated that the applicant was seeking a one (1) year Extension of Time to the previously approved Special Permit, in order to allow the applicant additional time to commence work on the project. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to close the hearing. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve an Extension of Time for the previously approved Special Permit to October 14, 2008.
4. **947 West Boylston Street/1 Dixfield Road (PB-07-120) – Definitive Site Plan:** Patricia Finnegan Gates, representative for the applicant, submitted a letter to the Board requesting a continuance to October 3, 2007. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to continue the site plan approval to October 3, 2007.
5. **212 Summer Street/aka 220 & 222 Summer Street (PB-07-116) – Parking Plan:** As required by M.G.L. c. 268A, §23(b)(3), Chair Shea made the following disclosure in order to dispel any appearance of potential conflict of interest. An abutter to the project is John W. Foley, Jr., Trustee. Mr. Foley and his business, Foley Engines, located on Summer Street, are former clients of Mr. Shea's firm. Neither Mr. Shea nor his partners have any financial interest in the application for parking plan approval brought by Wholesale Wine and Spirits of 212 Summer Street, Worcester, MA. Hossein Haghanizadeh, representative for the applicant, requested Leave to Withdraw the Parking Plan. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to approve the request of the applicant for Leave to Withdraw.

NEW BUSINESS

PUBLIC MEETINGS

6. **76 Sagamore Road (PB-07-101) – Definitive Site Plan:** Carl Hultgren, representative for the applicant, presented the plan. Mr. Hultgren stated that the applicant was seeking approval of a Definitive Site Plan to construct a two-family dwelling on property with 15% or more slope. Mr. Hultgren added that the applicant had received previous Definitive Site Plan approval on June 7, 2006. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:
 - **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**

- **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

7. **Lot 2, Roy Street (PB-07-102) – Definitive Site Plan:** Robert O’Neil, representative for applicant, presented the plan. Mr. O’Neil stated that the applicant was seeking approval of a Definitive Site Plan to construct a single-family detached dwelling on property with 15% or more slope. Upon a motion by Anne O’Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Identify “Rogi Investment Group, Inc.” as applicant as well as owner.**
- **Provide ANR Book and Page # and date recorded for this lot.**
- **Label height in feet.**
- **Label total floor area of proposed building.**
- **Clarify location of existing shed; the shed may not be located closer than 5’ to the property line.**
- **Label length of driveways.**
- **Label construction materials of streets, driveways, walkways, curbs and sidewalks.**
- **Correct Roy Street from “Public” to Private.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

8. **5 Wigwam Hill Drive (PB-07-119) – Definitive Site Plan:** Kevin Parvin, owner and applicant, presented the plan. Mr. Parvin stated that the applicant was seeking approval of a Definitive Site Plan to construct a single-family semi-detached dwelling on property with 15% or more slope. Mr. Parvin also stated that the proposed dwelling meets all zoning regulations. Ania Busza, an abutter, expressed concern that the proposed project may change significantly the grading of the land on the westerly-side, which is adjacent to her property. Mr. Adams stated that the grading of the land on the westerly-side would only change one (1) foot, and indicated that such change would not undermine, nor negatively impact her property. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- Provide a minimum ten (10) feet separation between the water and sewers services.
- Utilize 6” SDR 35 PVC pipe for the sewer and drain connections.
- Provide MBL on the Definitive Site Plan.
- Provide ANR number on the Definitive Site Plan.
- Provide Book and Page number on the Definitive Site Plan.
- Provide legend on the Definitive Site Plan.
- Label name of the applicant on the Definitive Site Plan.
- Label plan “Definitive Site Plan”.
- Fill out page 9 of the application.
- Use heavier line weight for the boundary lines.
- Provide number and location of trees in excess of 9 inches in diameter, if any.
- Label height of the retaining wall on the northeast corner of the property.
- Label square footage of the proposed building.
- Label structure as a “single-family semi-detached dwelling”.
- Label the height of the proposed building in feet.
- Label number of bedrooms in the proposed building.
- Label dimensions of the driveways and curb cuts.
- Label construction materials of the driveways, curbs and sidewalks.
- Provide sedimentation and erosion controls.
- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer’s determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.
- Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.

9. **11 Denmark Street (PB-07-115) – Definitive Site Plan:** Jeffrey Howland, representative for Juliana Danquah, applicant, presented the plan. Mr. Howland stated that the applicant was seeking Definitive Site Plan approval to construct a single-family semi-detached dwelling on a property with 15% slope or more. Mr. Howland stated that the proposed project meets all other Zoning Ordinance regulations. Upon a motion by Margaret Guzman and seconded by Anne O’Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Revise the water and sewer intersection notes to read “The sewer main is to be encased in concrete ten (10) feet either side of the intersection”.**
- **Label plan as “Definitive Site Plan”.**
- **Label Juliana Danquah as the owner and applicant.**
- **Remove summary document from plan.**
- **Provide ANR reference number, if any.**

- **Provide a zoning classification summary indicating the required and proposed dimensions.**
- **Label construction materials of driveways, curbs, streets and sidewalks.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

10. 151 West Boylston Drive (PB-07-103) – Amendment to Definitive Site Plan: Samuel Desimone, representative for the applicant, presented the plan. Mr. DeSimone stated that the applicant was seeking approval of an Amendment to Definitive Site Plan to convert a portion of the vacant area of a former warehouse building to office and warehouse use. Mr. DeSimone indicated that a portion of the site will remain undeveloped for future use. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Amendment to Definitive Site Plan with the following conditions:

- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**

11. Lot 7R, Ellie Way (PB-07-110) – Definitive Site Plan: Raymond Lopolito, representative for Enio Barbosa, applicant, presented the plan. Mr. Barbosa stated that the applicant was seeking Definitive Site Plan approval to construct a single-family detached dwelling on property with 15% slope or more. Mr. Cashman stated that the proposed plan was lacking important information necessary to render a decision. Mr. Lopolito acknowledged that the proposed plan was lacking important information therefore, requested a continuation of the Definitive Site Plan until October 3, 2007. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to continue the Definitive Site Plan until October 3, 2007.

12. Lot 8R, Ellie Way (PB-07-111) – Definitive Site Plan: John Panarelli, owner and applicant, presented the plan. Mr. Panarelli stated that he was seeking Definitive Site Plan approval to construct a single-family dwelling on a property with 15% slope or more. In addition, Mr. Panarelli stated that the proposed project meets all other Zoning Ordinance

regulations. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Provide 2' curb returns for the driveway opening.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

13.36 Quaboag Street (PB-07-117) – Definitive Site Plan: Hossein Haghanizadeh, representative for Marie Courtney Mondor, owner and applicant, presented the plan. Mr. Haghanizadeh stated that the applicant was seeking Definitive Site Plan approval to construct two single-family dwellings in a subdivision on a property located in an RS-7 and Floodplain Overlay District. Mr. Haghanizadeh also stated that on February 7, 2007, the Planning Board approved a Definitive Subdivision Plan for the creation of two (2) lots at this address, but indicated that the submitted Mylar plan for the Definitive Subdivision has not yet been endorsed by the Planning Board. Ms. Bold stated that the proposed project requires final approval from the Department of Public Works and Parks, as well as approval from the Law Department to ensure that all necessary easements and covenants have been completed prior to the endorsement of the Mylar. Madeline Velazquez, an abutter, requested clarification regarding the proximity of the proposed structure to her home located at 11 Sweetbriar Lane. Mr. Adams stated that the proposed structure was located approximately two-hundred and twenty-five (225) feet away from her property. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Provide a “Single Port Blow-Off Hydrant” at the end of the proposed water main.**
- **Finalize covenants/easements with the Law Department relative to the Definitive Subdivision Plan for 36 Quaboag Street to allow the Mylar Plan to be endorsed and recorded.**
- **The final revised Definitive Site Plan should include a deed reference to the subdivision plan.**
- **Label Quaboag Street “Developer Street”, since the portion of Quaboag Street providing frontage for the two proposed lots has not been constructed, nor finally approved.**
- **Change the information on sheet 1 that states that the applicant has requested two waivers to “The following three waivers were granted by the Planning Board on February 7, 2007”.**

- **Indicate if any trees in excess of nine (9) inches in diameter will be removed from site.**
- **Label construction materials of the proposed driveways.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

Public Hearings:

14.33 Whipple Street (PB-07-112) – Definitive Subdivision (Frontage): Hossein Haghanizadeh, representative for Amilcar Carneiro, owner and applicant, presented the plan. Mr. Haghanizadeh stated that the applicant was seeking approval of a Definitive Subdivision Plan to allow construction of a single-family semi-detached dwelling. He further stated that on September 10, 2007, the Zoning Board of Appeals granted Variances for 5 feet of relief from the frontage requirement for Lot 1 and Lot 2, but indicated that the two lots met all other zoning requirements. In addition, Mr. Haghanizadeh said that, as a result of the lack of frontage, the petitioner could not subdivide the lots through the ANR process. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Subdivision Plan dated September 22, 2007, entitled "Definitive Subdivision Plan – 33 Whipple Street" prepared by HS&T Group, Inc., with the following conditions:

- **Label plan "Definitive Plan."**
- **Provide a legend.**
- **Indicate location of all permanent monuments on the Definitive Subdivision Plan.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan and a mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Subdivision Plan with the following waivers:

- **Waive the Definitive Subdivision Regulations with the exception of those requirements for an Approval Not Required.**
- **Waive all construction requirements.**
- **Waive the minimum frontage requirement.**

15. 1393 Grafton Street (PB-07-108) – Amendment to Definitive Subdivision: John Shea recused himself and Scott Cashman assumed the Chair. Samuel DeSimone, Carl Hultgren and Steven Petro, represented the applicant. Mr. DeSimone and Mr. Hultgren presented the plan. Mr. DeSimone stated that the applicant was seeking approval of an Amendment to a previously approved Definitive Subdivision Plan to remove a 10' portion of the approved developer's street (McAvey Way). He continued that the 10' portion is proposed to be conveyed to an abutting property at 1369 Grafton Street. Mr. Traynor advised the Board that the conditions to the approval of the first amendment to the subdivision, contained in a decision dated October 26, 2005, have not been satisfied. The original application for subdivision approval, and the plans submitted with that application were drawn by Quinn Engineering but the plan that was subsequently endorsed and recorded was drawn by Jarvis Engineering. The subdivision declaration of restrictive covenants that served as the basis of the plan's endorsement only references the plans submitted by Quinn Engineering. One of the conditions referenced the requirements of the Subdivision Control Law relative to recording the October 26, 2005 decision and reciprocal cross references between the original plan and the amended plan, as required by the statute. Mr. Traynor said that documents executed subsequent to that vote, however, include reference to both the Quinn and Jarvis plans. Thus, in his opinion, despite the fact that the Quinn plans had not been recorded, the record has been clarified and the appropriate documents were in the chain of title. Therefore, the applicant could request to amend the conditions of approval to no longer require that the Quinn plans be recorded. Mr. Traynor then said that the Board would need to vote to delete the second condition of the amendment approved on October 12, 2005, which could be done as a component of a vote to approve the current request for a second amendment. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to close the hearing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Amendment to Definitive Subdivision to provide for the removal of a 10' strip of land from within the right-of-way of the subdivision as shown on the plan dated August 9, 2007, entitled "Second Amended Definitive Subdivision of McAvey Way", prepared by Jarvis Land Survey, Inc. with the following conditions:

- **The following condition of the October 12, 2005 approval of an Amendment to Definitive Subdivision be deleted:**
 - **Applicant shall simultaneously record at the Worcester District Registry of Deeds the original subdivision plan approved by the Planning Board at its April 27, 2005 meeting and prepared by Quinn Engineering, Inc. and dated March 18, 2005, as revised on May 24, 2005. Original plan shall be indexed**

in the Grantor Index under the names of the original applicants and under the new applicant/owner in accordance with M.G.L.c.41, Sec.81W. Original plan must reference the Planning Board's October 12, 2005 amendment vote and the recording information for the amended plan. Original plan shall also reference the recording information for the following plans and documents: Declaration of Restrictive Covenants recorded at WDRD Plan Book 37118, Page 379; WDRD Plan Book 830, Plan 64; and WDRD Plan Book 830, Plan 123.

- **Plan approved is dated August 9, 2007.**
- **Endorsement of the Definitive Subdivision Plan is contingent upon the following:**
 - **Notice from the City Clerk of "No Appeal" from the action of the Board in approving this subdivision or if an appeal is taken, notice of the court either sustaining the approval or dismissing the appeal.**
 - **Applicant must guarantee the construction of ways, the installation of municipal services and the successful performance of all other conditions to the approval of the subdivision in the manner provided in the Subdivision Regulations, Section VII, as authorized by MGL, Chapter 41, Section 81U.**

Mr. Traynor also advised the Board that the Letter of Credit had expired as well as the work completion date. Mr. Petro told the Board that he would provide a new Letter of Credit. Upon a motion by Margaret Guzman and seconded by Anne O'Connor, the Board voted 4-0 to extend the work completion date to June 1, 2008 and the bond expiration date to August 1, 2008.

16. 1369 Grafton Street (PB-07-104) – Definitive Site Plan: John Shea recused himself. Samuel DeSimone, Carl Hultgren, Steven Petro, Wayne Hubble, Rebecca Brown and Karen Murgo represented the applicant. Samuel DeSimone and Carl Hultgren presented the plan. Mr. DeSimone stated that the applicant was seeking approval of a Definitive Site Plan to construct an adult daycare facility at the front of the parcel and a storage facility in the rear of the lot. In response to a question from Scott Cashman, Ms. Murgo responded that the capacity of the center would have approximately 100 participants per day and hours of operation would be Monday through Friday, 8:00 A.M. to 5:00 P.M. Paul Clancy supported the project and said it would complement other efforts to make the area more aesthetically appealing. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan for the front portion of the lot with the following conditions:

- **Final revised plans should include all the information for both the front portion of the lot and rear portion of the lot in the same plan set as well as the lighting plan.**
- **Label ANR – Book and Page numbers on final revised Definitive Site Plan.**
- **Label date of Amendment to Definitive Subdivision approval on the final revised Definitive Site Plan.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction**

Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.

- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-0 to approve the Definitive Site Plan for the rear portion of the lot with the following conditions:

- **Final revised plans should include all the information for both the front portion of the lot and rear portion of the lot in the same plan set as well as the lighting plan.**
- **Label ANR – Book and Page numbers on final revised Definitive Site Plan.**
- **Label date of Amendment to Definitive Subdivision approval on the final revised Definitive Site Plan.**
- **Parallel parking spaces be 8' x 22' and shown as such on the plan.**
- **Plan must show how drainage from rear portion lot will interface with the drainage from the front of the lot.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

John Shea returned to the Chair.

17. Wildwood Circle (PB-07-105) – Definitive Subdivision: Definitive Site Plan approval was taken contemporaneously. Joe Boynton, representative for the applicant, presented the plan. Mr. Boynton advised the Board that this was a previously approved subdivision, to subdivide a parcel into five lots. However, because it was not completed within three years, the approval expired. He stated that the applicant had purchased the property at a foreclosure auction. He said the plan was essentially the same plan that had been approved previously. Mary Elaine was concerned about erosion of a bank behind the barn on her property. She said an existing dwelling on the site had been moved to that location and part of the bank had been lost. Upon a motion by Margaret Guzman and seconded by Nicole Xifaras Parella, the Board voted 5-0 to close the hearing. Upon a

motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-1 (Scott Cashman voted no) to approve the Definitive Subdivision Plan dated September 17, 2007, entitled "Definitive Subdivision Plan – Wildwood Circle", prepared by Land Planning, Inc., with the following conditions:

- **A 4' retaining wall, 160 feet in length, with a solid board fence on top, be installed along the eastern property line of the lot where the existing dwelling has been re-located and shown on the plan. Said retaining wall be constructed to the satisfaction of the Code Enforcement Division.**
- **The following waivers were granted: waiver of the requirement for the width of the paved area in the right of way to allow for the way to be paved to twenty-six feet in width; waiver of the requirement for 3% maximum slope of the cul-de-sac to allow a 4% slope; waiver of the requirement for 3% maximum slope of the first one hundred feet from the intersection to allow a 4% slope.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **Endorsement of the Definitive Subdivision Plan is contingent upon the following:**
 - **Notice from the City Clerk of "No Appeal" from the action of the Board in approving this subdivision or if an appeal is taken, notice of the court either sustaining the approval or dismissing the appeal.**
 - **Applicant must guarantee the construction of ways, the installation of municipal services and the successful performance of all other conditions to the approval of the subdivision in the manner provided in the Subdivision Regulations, Section VII, as authorized by MGL, Chapter 41, Section 81U.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan and mylar must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

18. Wildwood Circle (PB-07-106) – Definitive Site Plan: Mr. Boynton explained the applicant proposes to construct four two-family dwellings and relocate the existing single-family dwelling and convert it into a two-unit condominium for a total of ten dwelling units. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 4-1 (Scott Cashman voted no) to approve the Definitive Site Plan with the following conditions:

- **Plan approved is dated September 17, 2007.**
- **A 4' retaining wall, 160 feet in length, with a solid board fence on top, be installed along the eastern property line of the lot where the existing dwelling**

has been re-located and shown on the plan. Said retaining wall be constructed to the satisfaction of the Code Enforcement Division.

- All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
- Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.
- The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.
- Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.

19. 148B Tory Fort Lane (also known as 148, 150 & 156 Tory Fort Lane) (PB-07-93A) – Special Permit – Common Driveway: Brian Campanale and Steven Venincasa, petitioners, presented the petition. Mr. Campanale stated that they were seeking approval for a Special Permit – Common Driveway to access 148B Tory Fort Lane, a lot recently created by dividing 148 Tory Fort Lane into two lots. Mr. Campanale stated that he was seeking to build a single-family detached dwelling on site. Michael Vray, a neighborhood resident, expressed concern regarding deforestation in the wetlands area located on site. Mr. Campanale acknowledged that four (4) trees were cut down in error in the wetlands area located on site; however, he indicated that he has planted five (5) new trees as replacements. Chair Shea stated that the Planning Board does not have jurisdiction regarding said issues, and encouraged Mr. Vray to address these concerns with the Conservation Commission. Mr. Vray also expressed concern regarding the condition of the road, and indicated that the neighborhood association had spent \$2,000.00 recently upgrading the conditions of the road, and indicated that applicant had removed a portion of said improvements. Chair Shea stated that such issues were not within the purview of the Planning Board. Mr. Traynor stated that as a possible condition of approval the Board could request that the plans show that post construction drainage be no greater than pre-construction drainage. Douglas Allen, an abutter, stated that he felt the proposed project was improperly before the Board because when he purchased the lot, the deed stipulated that it was a private road to be shared by two lots. He also stated that he had not consented to converting the road into a common driveway to be used by three or more lots. Chair Shea stated that the Board cannot consider private matters related to the deeds. Mr. Campanale requested a continuation of the Special Permit to allow him time to address the comments from the Division of Planning and Regulatory Services. Upon a motion by Anne O'Connor and seconded by Margaret Guzman the Board voted 5-0 to continue the Special Permit – Common Driveway until October 3, 2007.

Public Meetings

20. 275 Greenwood Street (PB-07-100) – Definitive Site Plan: Kevin David, Jason Dubois and Jeffrey Burke, representatives for the applicant, presented the plan. Mr. David stated that the applicant was seeking approval of a Definitive Site Plan to construct a three-story structure to be used as an operations center for Webster First Credit Union. Alan Carlson was concerned about screening and suggested red maples be used rather than what was

proposed. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions:

- **Plan approved is dated September 13, 2007.**
- **A vinyl or vinyl-coated chain link fence be installed around the detention pond.**
- **Red maples be placed along the property line south of Weden Lane.**
- **Proposed catch basins should be relocated outside the Greenwood Street right-of-way.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**
- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

21. 28 Adams Street (PB-07-118) – Parking Plan: Chris Sparages, Pat Buonopane, Robert Albanese, Matthew Littell, Christina Crawford, and Brendan Moran presented the plan. Mr. Sparages stated that the applicant was seeking approval for a Parking Plan for the construction of a sixty-three (63) parking-space parking lot associated with the conversion of a former school into a twenty-eight (28) dwelling-unit condominium. Diane Biancheria, a neighborhood resident, expressed concern that the proposed project may exacerbate the limited on-street parking in the neighborhood. Mr. Sparages indicated that the proposed project included two (2) parking spaces per dwelling-unit, plus seven (7) additional parking spaces for guests, all of which will be located on-site. Mr. Adams stated that the Department of Public Works and Parks recommends changing the proposed location of the dumpster to a location that could be accessed from within the property to avoid potential traffic interruptions by trucks emptying the dumpster and maneuvering within the roadway layout of Imperial Road. Mr. Sparages acknowledged the recommendation and indicated that the dumpster would be moved approximately ten (10) feet west of its current location, in order to eliminate the need for any maneuvering within the roadway layout of Imperial Road. Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to approve the Parking Plan for 28 Adams Street with the following conditions:

- **Add a note to the Parking Plan stating that snow will be removed from site.**
- **Locate all signage on the property.**
- **Provide access to the proposed dumpster from within the property.**
- **Provide City of Worcester Standard Details for catch basins.**
- **All work must conform to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.**

- **Subject to the Zoning Enforcement Officer's determination that the parcel complies with all the relevant provisions of the Zoning Ordinance.**
- **The appropriate soil erosion and sediment control measures, including hay bales and silt fences, shall be installed and maintained throughout construction by the applicant to the satisfaction of the Director of Code Enforcement.**
- **Six copies of the revised plan must be submitted to the Planning and Regulatory Services Division prior to release of the decision.**

OTHER BUSINESS

Tyson Road – To Make Public: Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to recommend a Priority 1, based on the recommendation of the Department of Public Works and Parks.

APPROVAL NOT REQUIRED (ANR) PLANS:

1. **ANR 6570:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # 6570, Seconset Street/Tihonet Street.
2. **ANR 6571:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # 6571, Penn Avenue/ Waverly Street.
3. **ANR 6572:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse ANR # 6572, Valmor Street.
4. **ANR 6573:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse #6573, Moreland Street.
5. **ANR 6574:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse #6574, Tennyson Street.
6. **ANR 6575:** Upon a motion by Anne O'Connor and seconded by Margaret Guzman, the Board voted 5-0 to endorse #6575, Endicott Street.

ADJOURNMENT

Chair Shea adjourned the meeting at 8:45 PM.